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1636\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donnelly et al.

Serial No.: 09/835,694

Filed: April 1, 2001

Group Art Unit: 1636

Examiner: Terry A. McKelvey

For: NUCLEIC ACID VACCINES AGAINST HUMAN INFLUENZA  
VIRUS (as amended herein)

**PETITION FOR EXTENSION OF TIME UNDER § 1.136(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Applicant(s) hereby petition(s) to the Commissioner for Patents for an extension of the shortened statutory period for replying to the outstanding Office Action dated 10/3/03 in the above-identified application. A response to said Action is (is not) attached hereto.

Please charge the following fee to Deposit Account No. 13-2755:

\$110 -- First Month Extension  
 \$420 -- Second Month Extension  
 \$950 -- Third Month Extension  
 \$1480 -- Fourth Month Extension  
 \$2010 -- Fifth Month Extension

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The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 13-2755. Duplicate copies of this sheet are enclosed.

Respectfully,

By: J. Mark Hand

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 36,545

MERCK & CO., INC.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Date Dec 1, 2003  
not

IN DUPLICATE

Date: December 1, 2003